

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

09/29/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00399DAE
CASE NAME: USA v. (03)Glenn P. Fernandez
ATTYS FOR PLA: Mike Kawahara
ATTYS FOR DEFT: (03)Rustam Barbee
USPO: Rosanne Donohoe

JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 09/29/2006

TIME: 1:30pm-1:45pm(m/d)
1:45pm-2:15pm(sent)

COURT ACTION: EP: Sentencing to Count 1 of the First Superseding Indictment as to Defendant (03)Glenn P. Fernandez. Government's Motion for Downward Departure.

Defendant (03)Glenn P. Fernandez present in custody.

The Memorandum Plea Agreement is accepted.

Government's Motion for Downward Departure-GRANTED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant (03)Glenn P. Fernandez.

SENTENCE:

Imprisonment: 120 MONTHS

Supervised Release: 10 YEARS

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes (mandatory condition).

3. Defendant shall not possess illegal controlled substances (mandatory condition).
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer (mandatory condition).
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release, as directed by the Probation Office.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in a substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
10. That the defendant is prohibited from participating in any form of chicken fighting, including training chickens; being in the presence of any illegal or legal chicken fighting; frequenting any business, residence, or area where chicken fighting activities have occurred or are presently occurring; and associating with any persons engaged in chicken fighting or any known chicken fighters.

Special Assessment: \$100.00.

No fine.

JUDICIAL RECOMMENDATIONS: West Coast facility that offers the intensive drug treatment program.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss All Remaining Counts as to this Defendant Only -
GRANTED.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager